

AMENDED IN SENATE JUNE 2, 2015  
AMENDED IN SENATE APRIL 21, 2015  
AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 454**

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**Introduced by Senator Allen**

February 25, 2015

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An act to add Section 3113 to the Public Resources Code, relating to water quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 454, as amended, Allen. Water quality: oil and gas: ~~exempt~~ *exempted* aquifer.

Existing federal law prohibits certain oil and gas well activities that affect underground sources of drinking water unless those sources are located in an ~~exempt~~ *exempted* aquifer. Existing federal law authorizes a state delegated with the responsibility of regulating certain wells to propose that an aquifer or a portion of an aquifer be an ~~exempt~~ *exempted* aquifer and authorizes the United States Environmental Protection Agency to approve the proposal if the aquifer or a portion of the aquifer meets certain criteria. Under existing federal law, the authority to regulate those wells in California is delegated to the Division of Oil, Gas, and Geothermal Resources in the Department of Conservation.

This bill would prohibit the division from submitting a proposal for an aquifer exemption to the United States Environmental Protection Agency unless the division and the State Water Resources Control Board concur in writing that the aquifer meets specified conditions.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 3113 is added to the Public Resources Code, to read:

3113. The division shall not submit a proposal for an aquifer exemption to the United States Environmental Protection Agency under the federal Safe Drinking Water Act (42 U.S.C. Sec. 300f et seq.) and regulations implementing that act unless the division and the State Water Resources Control Board concur in writing that the aquifer meets either of the following conditions:

(a) The division determines that the aquifer is hydrocarbon bearing, as described in Section 146.4(b)(1) of Title 40 of the Code of Federal Regulations, and both of the following additional determinations are made:

(1) The division and the State Water Resources Control Board determine that the intended injection zone is ~~geologically~~ and hydrogeologically isolated from any other zone containing waters that may have a beneficial use.

(2) The State Water Resources Control Board determines either that the intended injection zone does not contain waters with potential beneficial uses or that the intended injection zone contains waters with potential beneficial uses and the fluids to be injected into the zone will not impact those beneficial uses.

(b) The division and the State Water Resources Control Board concur that the aquifer is nonhydrocarbon bearing and the aquifer meets all of the following conditions:

(1) The aquifer meets the criteria in Section 146.4(a) to (c), inclusive, of Title 40 of the Code of Federal Regulations.

(2) The total dissolved solids content of the water in the aquifer is greater than 3,000 milligrams per liter.

(3) The intended injection zone is ~~geologically~~ and hydrogeologically isolated from any other zone containing waters that may have a beneficial use.

(4) The State Water Resources Control Board determines in writing to the division and posts on the board's Internet Web site in a public and readily accessible location that the injection of fluids into the aquifer would not contaminate a source of water that currently has, or could in the future have, a beneficial use.

(5) If the aquifer contains water that is currently or potentially limited in its beneficial use due to existing contamination, the State

- 1 Water Resources Control Board determines that the injection of
- 2 fluids into the aquifer would not impair the limited current or
- 3 potential beneficial use of the waters.

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